THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.19385 of 2005

Date:05.09.2005

K.Govindarajulu

----------Petitioner

The A.P State Road Transport Corporation and others

----------Respondents

ORDER:

The petitioner is employed as a Conductor in APSRTC. He was issued a charge sheet, dated 07.06.2003, alleging that tickets worth Rs.18,580/- were not accounted for by him and he was required to show cause as to why the value of the tickets, be not recovered from him. The petitioner submitted his explanation on 21.06.2003. Thereafter, the 2nd respondent issued a show cause notice, dated 23.06.2003. The petitioner submitted his explanation on 12.07.2003. The 3rd respondent passed an order, dated 18.07.2003, directing for recovery of a sum of Rs.18,580/- from the salary of the petitioner, at the rate of 500/- per month. The petitioner carried the matter in appeal and revision before respondents 2 and 1 respectively and they were rejected. Hence, this writ petition.

Sri B.S.A.Satyanarayana, the learned counsel for the petitioner, submits that it was not even the allegation of the Corporation that the petitioner had misused the tickets referred to in the notice and the Service Rules clearly provided for recovery of printing and stationery charges alone, where any loss of tickets is found from a Conductor. He also placed reliance upon the judgment of this Court in ***CH.P.REDDY v. APSRTC, HYDERABAD.***

Sri P.Vinayaka Swamy, the learned Standing Counsel appearing for the respondents, on the other hand, submits that on account of the loss of ticket

blocks in the hands of the petitioner, the Corporation had sustained huge loss and it is not known as to whether the lost tickets have been used in any bus service.

The only allegation against the petitioner was that the tickets worth Rs.18,580/- were lost in his lands. It was not alleged that he misused them or that the tickets have been put to use in other service. The Operation Manual as well as the Office Audit Manual of the Corporation indicates that in the event of loss of tickets, the value thereof need not be recovered from the Conductors, and at the most, the printing and stationery charges can be recovered. In ***CH.P.REDDY's*** case (1 supra), this Court dealt with an identical situation and after taking into account the various provisions having a bearing on the matter, it was held that it is only the printing and stationery charges that can be recovered in the event of loss of tickets, not followed by any further allegation of misuse.

Following the same, the writ petition is allowed and the impugned order, dated 18.07.2003, is set aside. It is, however, left open to the respondents to recover the printing and stationery charges of tickets that were lost in the hands of the petitioner. Further, the respondents shall also be entitled to recover a sum of Rs.500/- towards the penalty for being negligent in protecting the tickets entrusted to him. Such deduction, however, shall not be treated as a punishment or be treated as a factor to deny him any service benefits. There shall be no order as to costs.

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05.09.2005

Jsu